

**REMARKS****Response to Objection of Specification**

The abstract of the disclosure was objected to because it contained phrases such as, "the present invention". The abstract has been amended to delete the phrase "the present invention".

**Response regarding Priority Claim**

We originally filed the present application as a divisional of prior U.S. patent application Ser. No. 09/717,910, and the front page of the published application correctly reflects that priority. Additionally, the specification has now been amended to include a reference to the prior application.

**Response to Claim Rejections Under 35 USC § 102**

Claims 46, 49, 50, 51, 52, and 75 were rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Yoon (U.S. Pat. No. 5,972,001). Claim 46 was rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Stevens et al. (U.S. Pat. No. 6,029,671, hereinafter Stevens).

Claim 46 as currently amended recites a longitudinal tubular guide member having a proximal end, a distal end, a curved distal portion, a port in the distal end, an inner lumen extending through the guide member to and in fluid communication with the port in the distal end. Support for this amendment may be found throughout the originally filed disclosure and in particular with reference to Figs. 24 through 62.

Yoon describes a system 20 for ligation that includes a suture spring device 22 and a guide 24 accommodating the suture spring device 22 (Figs. 1-10). However, Yoon fails to teach a longitudinal tubular guide member having a proximal end, a distal

end, a curved distal portion, a port in the distal end, an inner lumen extending through the guide member to and in fluid communication with the port in the distal end. The guide 24 of Yoon has helical shape and is not longitudinal. Furthermore, Yoon fails to teach an elongated containment member configured be disposed about an exterior surface over the aortic aneurysm. The suture spring device 22 of Yoon is configured to tightly ligate tissue as shown in Figs. 9 and 10. Therefore, Yoon device 22 cannot be disposed about an exterior surface over the aortic aneurysm.

Stevens describes a stent delivery catheter 350 having a stent 560 (Figs. 10A-10D). However, Stevens fails to teach an elongated containment member configured to be disposed about an exterior surface over the aortic aneurysm. The stent 560 of Stevens cannot be disposed about an exterior surface over the aortic aneurysm.

Consequently, Yoon and Stevens fail to teach each and every element of amended claim 46. Therefore, Applicants respectfully request withdrawal of the 35 USC § 102 (b) rejection with respect to independent claim 46 and the dependent claims which depend therefrom.

#### **Response to Claim Rejections Under 35 USC § 103**

Claims 46, 49, 50, 51, 52 and 75 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Hieshima et al (U.S. Pat. No. 6,063,111, hereinafter Hieshima) in view of Stevens.

Hieshima describes a stent 30 having two strip of films 32 and 34 (Figs 2 and 2A). However, Hieshima fails to teach an elongated containment member configured to be disposed about an exterior surface over the aortic aneurysm. The stent 30 of Hieshima is disposed in a blood vessel as shown in Fig 2A. Furthermore, as the

Examiner mentioned page 4 in the Office Action, Hieshima fails to teach a longitudinal tubular guide member having a proximal end, a distal end, a curved distal portion, a port in the distal end, an inner lumen extending through the guide member to and in fluid communication with the port in the distal end. Consequently, Hieshima fails to teach each and every element of amended claim 46.

Stevens fails to teach an elongated containment member configured to be disposed about an exterior surface over the aortic aneurysm as above stated.

For these reasons, claim 46 is clearly distinguishable over Hieshima in view of Stevens. Applicants therefore respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of independent claim 46 and the dependent claims which depend therefrom.

#### Conclusions

Applicants believe that the pending claims define patentable subject matter. Reconsideration and an early allowance are earnestly solicited.

Respectfully submitted,

By: 

Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

DUANE MORRIS LLP  
One Market  
Spear Tower, Ste. 2000  
San Francisco, CA 94105  
Telephone: (415) 957-3000  
Facsimile: (415) 957-3001  
Direct Dial: (415) 957-3067